THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 22913 of 2005

Dated 25-10-2005

Between:

Sri Sabbavarapu Satyanarayana.

..... PETITIONER

AND

The District Collector, Visakapatnam and others.

.....RESPONDENTS

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

ORDER:

This writ petition is filed declaring the action of 1st and 2nd respondents in not disqualifying the 4th respondent's nomination for election as member of the committee for ward No.11 of Sri Durgamamba Primary Agricultural Cooperative Society No.1138 as illegal and arbitrary.

It is the contention of the learned counsel for the petitioner that the 4th respondent is an employee of the Central Government and therefore he incurs disqualification to

contest for being chosen as member of the committee for Ward No.11 of the third respondent Society in view of the provisions under Section 21-A(i) of A.P.Co-operative Societies Act, 1964.

The objection, which was filed by some other person on 19-10-2005 before the Election Officer, was rejected by the Election Officer on the ground that no evidence has been produced to show that the 4th respondent is an employee of the Central Government.

Whether the 4th respondent is an employee of Central Government or not is to be decided on enquiry. This disputed question of fact cannot be decided in this writ petition by invoking extraordinary jurisdiction under Article 226 of the Constitution of India. Therefore, the writ petition cannot be entertained and liable to be dismissed.

Accordingly, the writ petition is dismissed. However, it is left open to the petitioner to file an election petition in an appropriate court of law, raising all his contentions, if he is so advised. No order as to costs.

_____

25-10-2005

Prv